



June 27, 2023

TO: Mayor Jerry L. Demings
Commissioner Christine Moore, District 2
Commissioner Mayra Uribe, District 3
Commissioner Maribel Gomez Cordero, District 4
Commissioner Emily Bonilla, District 5
Commissioner Michael "Mike" Scott, District 6

FROM: Commissioner Nicole Wilson, District 1

SUBJ: Commissioners Report Request

I am writing to request a Commissioners Report to discuss two issues of importance to all Commissioners and the Mayor.

- 1) Illegal Aquatic habitat clearing by unpermitted, unauthorized contractors.
(Unenforced violations of Chapter 15 Art VII)
- 2) Environmental Protection Commission (EPC) representation of industry and approval of variances and waivers on applications tied to member industry.

I was recently made aware of aquatic habitat destruction along our shorelines throughout the county by unregulated contractors profiting from illegal clearing advertised as beach restoration, or lakefront weed removal. Currently, the Environmental Protection Division issues a notice of violation to the property owner, not the offending business entity. Despite penalties and enforcement language in 15-256 which authorizes the environmental protection officer to issue a written notice of violation to the "offending person," businesses are not held responsible for the violations. Property owners are contracting and paying for illegal clearing and the unscrupulous business practices continue because they are not held responsible for fees, fines, or restoration.

After hearing concerns from the Windermere Water and Navigation Control District, I began researching the business practices and found several local businesses advertising clearing services to create lakefront transformation to "beachfront lifestyle," with services including removal of "all vegetation" and "bringing in fresh sand." The business advertising goes on to say, "we can create lake beachfronts on your property and turn your lakeside backyard into your beach".

Businesses are bold enough to display before and after photos with evidence of shoreline erosion and ecosystem destruction as part of their sales pitch.



Next, while researching the permitting process, exemptions, and appeals, I became increasingly concerned about the oversight of the Environmental Protection Division (EPC).

Shoreline alterations and other regulatory oversight obligations are brought to the EPC for review, and they are intended to act as additional oversight of the process. However, the current EPC has a track record of overriding the recommendations of technical experts (hired by the County), consistently granting variances over the objections of affected property owners, even in contradiction to recommendations of Orange County's Environmental Protection Officer (EPO). As you recall from the fertilizer ordinance adoption, the EPC contradicted the findings of Dr. Mitchell Katz, PhD. (Water Sciences Orange County EPD) in their recommendations. Fortunately, our Board adopted the EPD recommendation action based on data and scientific evidence, but the ill-informed EPC recommendations raised a red flag and led to more careful inspection of the board's affiliations.

Finally, EPC's track record led me to research the industry interests linked to membership, and I want to share this information in the effort to make Orange County's EPC more representative of Orange County's wide range of public interests and stakeholders. Some of the attachments date back to last fall, but EPC's membership is still dominated by industries and commercial interests regulated by our environmental protection department.

EPC Members:

Mark Ausley, Director of Biotech Consulting

Alan Horn, Owner, Fender Marine Construction

Flormari Blackburn, E-Science Environmental Consulting

Peter Fleck, Owner of Fleck Construction Q-Ice Marine Builders and Boat Lifts LLC

Billy Butterfield, Manager, AmeriScapes Landscape Management Services LLC

Karin Leissing Boyd Civil Engineering, Inc.

Kelly Eger-Smith President/Owner American Environmental Consulting

I look forward to discussing these challenges and opportunities at a Board Meeting soon.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Nicole H. Wilson".

Nicole H. Wilson

Commissioner, District 1

COMMISSIONER NICOLE H. WILSON, DISTRICT 1

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